STATE OF NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES DIVISION OF WATER QUALITY

GENERAL PERMIT

TO CONSTRUCT, OPERATE AND MAINTAIN IMPERVIOUS AREAS ASSOCIATED WITH

A LOW DENSITY DEVELOPMENT

UNDER 15A NCAC 02H .1000, SESSION LAW 2006-246, and SESSION LAW 2008-211

In compliance with the provisions of Article 21 of Chapter 143, General Statutes of North Carolina as amended, and other applicable Laws, Rules and Regulations promulgated and adopted by the North Carolina Environmental Management Commission;

All owners or developers of projects where a Sedimentation Erosion Control Plan approval is required or a nonresidential development within the Coastal Counties that will add more than 10,000 square feet of built upon area, and a low density project is proposed, are hereby authorized to construct, operate and maintain impervious areas in compliance with the General Permit conditions and the provisions of 15A NCAC 2H .1000, Session Law 2006-246, and Session Law 2008-211 (hereafter referred to as the "stormwater rules"), the submitted stormwater management plans and specifications, and other supporting data as attached and on file with and submitted to the Division of Water Quality and considered a part of this general permit.

Projects that include any of the following are *specifically excluded* from coverage under this General Permit, and must apply for an individual permit:

- Within ½ mile of and draining to Class SA waters;
- Requires any CAMA permit, 401 certification, buffer approvals, waivers, or variances from DWQ;
- Proposing alternative designs to meet low density requirements;
- Designed by anyone other than an appropriate NC licensed professional; or
- Claiming vested rights.

The General Permit shall becom	e effective or	n June 15, 2012.		
Signed this the <u>4th</u> day of	June	, 2012.		
Original signed by Mat				

for Charles Wakild, P.E., Director
Division of Water Quality
By the Authority of the Environmental Management Commission

PERMITTED ACTIVITIES

Until this permit is modified or rescinded, permittees are authorized to construct, operate and maintain impervious surfaces and BMPs associated with the construction of a low density development, which has met the following standards. All stormwater runoff from these projects shall be in accordance with the attached schedules as follows.

Section A – Final Limitation and Controls for Stormwater Discharges

Section B – Schedule of Compliance

Section C - General Conditions

STANDARD CONDITIONS FOR GENERAL PERMITS

Any other discharge to surface waters of the state is prohibited unless covered by another permit, authorization or approval.

This General Permit does not relieve the permittee from responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, order, judgement, or decree.

GENERAL PERMIT COVERAGE

All persons desiring to be covered by this General Permit must register with the DWQ by the filing of a Notice of Intent (NOI), supporting information, and applicable fees. The NOI shall be submitted and a certificate of coverage issued by the DWQ prior to the construction of any impervious surfaces or stormwater runoff associated with the construction of residential development. The Director shall take final action on all applications submitted for coverage under this General Permit not later than 15 calendar days following receipt of a complete application and all required information.

Any project that does not qualify for coverage under this general permit or any owner or developer not wishing to be covered or limited by this General Permit must make application for an individual Stormwater Management Permit in accordance with the stormwater rules stating the reasons supporting the request. Any application for an individual permit should be made at least 90 days prior to the time the permit is needed.

This General Permit does not cover activities or discharges covered by an individual permit. Any person conducting an activity covered by an individual permit but which could be covered by this General Permit may request that the individual permit be rescinded and coverage under this General Permit be provided.

The definition of any word or phrase in this General Permit shall be the same as given in Article 21, Chapter 143 of the General Statutes of North Carolina, as amended. Other words and phrases used in the General Permit are defined in the stormwater rules.

SECTION A: FINAL LIMITATIONS AND CONTROLS FOR STORMWATER DISCHARGES

During the period beginning on the effective date of the general permit, the Permittee is authorized to construct, operate and maintain impervious surfaces and vegetated conveyances associated with low density development. Stormwater runoff from the permitted impervious surfaces shall be in accordance with the following conditions:

- 1. The project shall be designed and constructed to meet all requirements for low density development in the stormwater *rules*. The project must use vegetated conveyances to the maximum extent practicable; discrete stormwater collection systems are not allowed.
- 2. A vegetated buffer/setback is required to be maintained between all impervious surfaces and surface waters. No built-upon area (BUA) is allowed within the buffer/setback, except for water-dependent structures such as bulkheads and boat ramps. The minimum required buffer/setback width shall be as indicated on the NOI, determined from Table 1.

Table 1:

Location	Minimum Width		
20 coastal counties	50' (30' – redevelopment)		
Phase II areas (non-coastal)	30' (setback)		
Non-Ph.II & non-coastal	30'		

- 3. For projects in the Neuse or Tar-Pamlico river basins, and projects discharging to the main stem of the Catawba River: A required 50-foot wide *undisturbed riparian buffer* must be maintained adjacent to surface waters as per 15A NCAC 02B .0200.
- 4. Any areas of the project with a density higher than the overall project, must meet or exceed low density requirements, and locate the higher density development away from surface waters and drainageways to the maximum extent practicable.
- 5. Recorded restrictions and/or protective covenants shall be recorded on the property that ensures that the built-upon areas shown on plans and specifications are constructed and maintained as designed.
- 6. Each lot is limited to the maximum allowable BUA as identified in the NOI and supporting documents. Or, if so indicated in the NOI, this project is limited to a maximum of 2 dwelling units per acre. The number of lots or dwelling units is as shown on the submitted plans and the built-upon area (BUA) for each is as indicated in the NOI and supporting documents.
- 7. The proposed BUA must be maintained at or below the applicable low density level as indicated on the submitted plans and NOI, determined from Table 2 and as per the stormwater rules.

Table 2:

Location	Maximum BUA		
20 coastal counties	24% (12% - ORW)		
Phase II areas (non-coastal)	24%		
Non-Ph.II & non-coastal	12% - ORW or HQW		

- 8. The submitted Site & Grading Plan and Erosion Control Plan will be followed.
- 9. No piping shall be allowed except those minimum amounts shown on the submitted plan as necessary to direct runoff beneath an impervious surface such as a road or that calculated least amount under a driveway that will provide access to lots. Refer to the Table in Section B.8 of this permit for information on calculating the maximum pipe length.

- 10. All vegetated runoff conveyances including, swales, curb outlet swales, property ditches and interior lot line swales, shall be constructed and maintained to the grades, elevations, slopes and dimensions as shown on the submitted plans. Except for curb outlet swales, all slopes being stabilized with vegetation must have side slopes no steeper than 3:1 (H:V).
- 11. For projects with curb outlet systems: The runoff from the streets and lots must be conveyed via curb cuts, drop inlets or catch basins to grassed swales or vegetated areas prior to discharging to a vegetated filter or wetlands. The curb outlet swale or vegetated area must meet the design requirements listed in Section .1008 (g) of the *stormwater rules*.
- 12. Roof drainage may not be piped directly to the receiving stream. All roof drains and gutters must terminate before the edge of the buffer/setback.
- 13. The runoff from all impervious surfaces must be directed away from surface waters to the maximum extent practicable. Stormwater runoff that is directed into wetlands shall flow into and through these wetlands at a non-erosive velocity of less than 2 fps, per the 401 wetlands requirements.
- 14. The amount of built-upon area must be minimized as much as possible. The use of permeable pavement for sidewalks and driveways is encouraged where the minimum standards per the BMP Manual can be met.
- 15. The site drainage patterns will be constructed as shown on the submitted plans.

SECTION B: SCHEDULE OF COMPLIANCE

- 1. The permittee shall notify the Division at least forty-eight (48) hours in advance of commencing construction of the approved project. Such notification to the appropriate regional office supervisor shall be made using the provided Construction Commencement Notification Form.
- 2. The permittee shall construct, operate and maintain the submitted stormwater management conveyance system, to the dimensions, elevations and grades as shown on the submitted plans. The stormwater management conveyance system includes but is not limited to, any minimal piping shown on the stormwater plans, curbing, curb cuts, catch basins, flumes, vegetated conveyance swales, vegetated areas, level spreaders, filter strips, roadside ditches, property ditches, curb outlet swales, lot line swales and vegetated buffers. All components of the stormwater system shall be constructed, stabilized, vegetated and operational for their intended use prior to the construction of any built-upon area. All vegetated areas and conveyances shall be maintained with a dense stand of permanent vegetation, as specified on the submitted plans.
- 3. Within 30 days of completion of the permitted site grading, road construction, sidewalks, and stormwater conveyance system, and prior to the sale of or construction on any lot, the permittee shall ensure that a designer's certification and as-built drawings for the project are provided to the Division from an appropriate design professional. For projects with phases, this shall be done for each phase. The certification shall indicate that the grading, stormwater conveyance system, roads and sidewalks have been substantially constructed to the grades, dimensions and elevations shown on the submitted plans and specifications such that the spirit and intent of the submitted plan is preserved. Any deviation from the submitted plans must be noted on the Certification; and must fully meet all low density requirements in the stormwater rules are subject to enforcement action by the Division; and must be corrected within 30 days to meet all low density requirements. As-built drawings shall be submitted along with the provided As-Built Designer's Certification Form. Drawings shall be sealed, signed, and dated by an appropriate design professional.
- 4. Except for an approved minimum driveway pipe, the permittee shall not allow any person or entity to alter any aspect of the stormwater management conveyance system as shown on the submitted plans.

- 5. The permittee shall provide for the routine operation and maintenance of the stormwater management systems as per the procedures listed in the approved Operation and Maintenance requirements.
- 6. The Permittee shall routinely update the Master Plan of development and/or the submitted site plan by March 1, beginning not later than one (1) year from the COC effective date, until the project is completely built per the submitted plans. The Permittee shall submit project BUA status and all changes to the Division for review using the provided Annual Permittee Certification Form. Any deviation from the submitted plans must be noted on the Certification; and must fully meet all low density requirements in the stormwater rules. Deviations that do not fully meet the low density requirements in the stormwater rules are subject to enforcement action by the Division; and must be corrected within 30 days to meet all low density requirements. If there are no changes to the submitted Master Plan for that year, the permittee shall so notify the appropriate Regional Office of the Division in writing on the provided form.
- 7. Upon the sale of each lot, the permittee shall provide a written summary of pertinent information to the buyer including the permitted maximum built-upon area limit, the driveway piping limit (chart and formula from Section II.6 below), all required grading, surface water boundaries, applicable setbacks and/or buffers, easement locations, and any component of the storm drainage system abutting that lot. The permittee shall ensure that all spec house builders provide this written summary of information to all future lot owners.
- 8. The permittee shall review all proposed lot plans to maintain compliance with the permit and shall ensure that the proposed individual lot plan meets the permit requirements. The lot plans submitted to the permittee shall address or include, but not be limited to, the following items, a.-e. The permittee shall maintain a record of each lot's submitted plan, any approved variances, and all subsequent modifications and additions, and shall make said records available upon request of the Division. The permittee shall not approve any lot for construction that does not meet the permit requirements. The proposed lot plan shall include, but not be limited to, the following items:
 - Appropriate filling and grading is provided such that runoff drains off the lot as dictated by restrictive covenants or local government requirements;
 - b. All proposed built-upon area on the lot. The maximum permitted BUA for the lot cannot be exceeded;
 - All applicable easements, surface water boundaries, buffers and setbacks. No BUA may be located in the buffer or setback. Easements must remain accessible and may not be blocked off;
 - d. All components of the storm drainage system adjacent to the lot. Alterations to the submitted storm drainage system cannot be made unless and until the permittee submits and receives approval for a plan revision or permit modification from the Division of Water Quality.
 - e. The proposed driveway pipe, correctly sized and sloped. Sizing shall be as dictated by local government or NCDOT requirements. Driveway piping shall be sloped such that the flow depth and capacity of the road ditch are maintained. No driveway pipe shall be allowed in a designated curb outlet swale. Maximum driveway pipe lengths shall be calculated according to the following chart and/or formula:

Driveway	Ditch Depth, ft. (D)				
Width, ft. (DW)	1.5	2.0	3.0	4.0	
	Max. Pipe Length, ft. (PL)				
10-12	21	24	30	36	
13-15	24	27	33	39	
16-18	27	30	36	42	
19-21	30	33	39	45	
22-24	33	36	42	48	

PL = DW + 6D

D is the ditch depth measured from the bottom of the ditch to the proposed driveway elevation.

- 9. The permittee shall monitor the project on a routine basis to ensure that each lot maintains compliance with the submitted lot plan on file, including grading, easements, buffers, setbacks, BUA limits, driveway piping, and the permitted stormwater conveyance system. The permittee shall inform any non-compliant lot owner in writing of the remedial actions that must be undertaken to bring the lot into compliance and shall ensure that the lot owner completes the remedial actions in a timely manner.
- 10. The applicable Declaration of Restrictions and Protective Covenants for the project must be recorded with the Office of the Register of Deeds prior to the sale of any lot.
- 11. The recorded Declaration of Restrictions and Protective Covenants for the project must include, at a minimum, the following statements related to stormwater management:
 - a. The following covenants are intended to ensure ongoing compliance with State Stormwater Management General Permit Number SWG060000 and this projects associated Certificate of Coverage, as issued by the Division of Water Quality under Session Law 2008-211, 2006-246, and NCAC 2H.1000.
 - b. The State of North Carolina is made a beneficiary of these covenants to the extent necessary to maintain compliance with the Stormwater Management General Permit Number SWG060000 and this project's associated Certificate of Coverage.
 - These covenants are to run with the land and be binding on all persons and parties claiming under them.
 - d. The covenants pertaining to stormwater may not be altered or rescinded without the express written consent of the State of North Carolina, Division of Water Quality.
 - e. Alteration (filling in, piping, etc.) of any component of the stormwater drainage system, except for approved driveway crossings, as shown on the submitted stormwater plans, is prohibited unless undertaken with the written approval of the Division of Water Quality.
 - f. Any individual or entity found to be in noncompliance with the provisions of the Stormwater Management General Permit Number SWG060000 or the stormwater rules, is subject to the enforcement procedures as set forth in Article 21, Chapter 143 of the North Carolina General Statutes.
 - g. Each lot is limited to the maximum allowable BUA as identified in the NOI and supporting documents. Or, if so indicated in the NOI, this project is limited to a maximum of 2 dwelling units per acre. This allotted amount includes any built-upon area constructed within the lot property boundaries, and that portion of the public right-of-way between the front lot line and the edge of the pavement. Built upon area includes, but is not limited to, structures, asphalt, concrete, gravel, brick, stone, slate, coquina, driveways, and parking areas; but does not include raised, uncovered, slatted decking, or the water surface of swimming pools.

- h. A vegetated buffer/setback is required to be maintained between all impervious surfaces and surface waters, as per Table 1 in SWG060000. The buffer/setback shall be provided adjacent the surface water, measured horizontally from and perpendicular to the normal pool of impounded structures, the top of bank of both sides of rivers and streams and the Mean High Water Line of tidal waters. All roof drains shall terminate at the landward edge of the buffer or setback and diffuse flow through the buffer or setback at a non-erosive velocity must be provided.
- i. In accordance with Session Law 2011-256, the Homeowner's or Property Owner's Association shall be eligible to assume the responsibility of the stormwater permit from the permittee at any point in time after at least 50% of the lots or units have been sold to an individual owner other than the Declarant. Upon receipt by the Division of a completed, signed and executed Name/Ownership Change Form, and a subsequent inspection and a determination of compliance by the Division, the permit will be transferred to the HOA.
- j. For projects with curb outlet systems: No person or entity shall fill in, alter or pipe any designated 100 foot long curb outlet swale or 100' vegetated area. All curb outlet swales and/or vegetated areas must be maintained with dense vegetation, provide a minimum length of 100 feet, a side slope of 5:1(H:V) or flatter, a longitudinal slope of 5% or less, and be able to carry the peak flow from the 10 year storm at a non-erosive velocity.
- 12. The permittee must submit a copy of the recorded Declaration of Restrictions and Protective Covenants to DWQ within 30 days of the date of recording.
- 13. The Director of DWQ may notify the permittee when the permitted site does not meet one or more of the minimum requirements of the permit. Within the time frame specified in the notice, the permittee shall submit a written time schedule to the Director for modifying the site to meet minimum requirements. The permittee shall provide copies of revised plans and certification in writing to the Director that the changes have been made. Such revisions may require a permit modification.
- 14. After which the point that the project is completely built, and the permittee is no longer submitting annual updates to the Division: The permittee shall submit to the Director of DWQ and shall have received approval for revised plans, specifications, and calculations prior to construction, for any modification to the submitted plans, including, but not limited to, those listed below:
 - a. Redesign of or addition to the submitted amount of built-upon area (BUA). This includes, but is not limited to: an increase of BUA on any lot over and above the maximum permitted amount; increases to the paved width of streets or sidewalks; and the addition of streets, sidewalk or curb and gutter where none had been originally;
 - b. Any change to the layout of the subdivision lots, streets, or stormwater conveyance system:
 - c. An increase in the permitted number of lots;
 - d. Further subdivision, acquisition or sale of the project area;
 - e. Alteration of any aspect of the submitted stormwater conveyance system;
 - f. Driveway piping that is in excess of that minimum amount allowed per the chart in Section B.8. of this General Permit;
 - g. The development of any amenity areas, recreation facilities or future areas noted on the submitted plans. The built-upon area assigned to those areas may not be exceeded and the development must meet the low density development requirements per the stormwater rules;
 - h. Any deviation from the submitted grading plan.
- 15. The permittee shall submit all information requested by the Director or his representative within the time frame specified in any written information request.
- 16. The stormwater system components shall be located in an easement, a public right-of-way or a common area. The recorded final plats for the project must show all required easements, public rights-of-way, and common areas, in the locations and to the widths specified in the submitted plans.

SECTION C: GENERAL CONDITIONS

- 1. Submitted plans, NOI, Operation and Maintenance requirements and calculations for the project(s) covered by this permit are incorporated by reference and are enforceable parts of this permit, to the extent necessary to maintain compliance with the stormwater rules. A copy of all the applicable documents listed shall be maintained on file by the permittee at all times.
- 2. Failure to abide by the conditions and limitations contained in the General Permit is considered a violation of the *stormwater rules*, and is grounds for enforcement action in accordance with North Carolina General Statutes 143-215.6A to 143-215.6C, or for certificate of coverage termination, revocation and reissuance, or modification in accordance with NCGS 143-215.1.
- 3. The certificate of coverage is not transferable except after notice to and approval by the Director. In the event of an ownership change, the Director may require a separate Notice of Intent (NOI) and certificate of coverage. A request to transfer the certificate of coverage will be considered on its merits and may or may not be approved. The permittee is responsible for compliance with all permit conditions until such time as the Director approves the transfer. The permittee shall submit a completed and signed Name/Ownership Change Form available on the Division's website. This completed form must be accompanied by the supporting documentation as listed on the form, and submitted to the Division of Water Quality at least 60 days prior to any one or more of the following events:
 - a. The sale or conveyance of the project area in whole or in part, except for lot sales which are made subject to the recorded covenants;
 - b. The sale or conveyance of the common areas to the HOA or POA, under the following conditions:
 - i. The declarant control period has terminated; or,
 - ii. The declarant has conveyed at least 50% of the lots to individual owners other than the declarant; or,
 - iii. If required by this Act, the HOA is legally formed per the requirements of Chapter 47F of the North Carolina General Statutes (The Planned Community Act) to carry out the maintenance requirements of the permit, and has elected an executive board of at least three (3) members; and,
 - v. The project is in compliance with the permit, as determined by a DWQ inspection.
 - c. The dissolution of the permittee, if the permittee is a corporate entity, LLC, General Partnership, etc.
 - d. Bankruptcy or Foreclosure
 - e. A name change of the permittee;
 - f. A name change of the project;
 - g. A mailing address change of the permittee.
- 4. The issuance of this general permit does not prohibit the Director of DWQ from reopening and modifying the permit, revoking and reissuing the general permit, or terminating the general permit as allowed by the laws, rules, and regulations contained in Title 15A of the North Carolina Administrative Code, Subchapter 2H, Section .1000; and the North Carolina General Statutes (NCGS) Section 143-215.1.
- 5. The certificate of coverage is issued in accordance with this general permit and may be modified, revoked and reissued, or terminated for cause. The certificate of coverage shall continue in force and effect until modified, revoked and reissued or terminated. The notification of planned modifications or non-compliance does not stay any general permit condition.
- 6. The permittee grants permission to DENR Staff to enter the property during normal business hours for the purposes of inspecting the project.
- 7. Neither the installation of the BMPs nor any development activities associated with the construction of this project shall cause a wetland standard violation, a stream standard violation, or other water quality violation. These violations are subject to civil penalties of up to \$25,000.00 per violation per day pursuant NCGS 143-215.6.

- 8. The certificate of coverage is effective only with respect to the nature and volume of stormwater described in the NOI and other supporting documents. The certificate of coverage is not to be considered as approval for any other activities proposed at this site, such as impacts to wetlands, drainage and flood control, utilities, erosion control, etc., which require approvals from other local, state or federal government agencies.
- 9. Violations of this general permit may subject the permittee to enforcement action by the Division of Water Quality. Violations of this permit are subject to civil penalties of up to \$25,000 per violation per day, pursuant to NCGS 143-215.6 against the permittee or any individual or entity found to be in noncompliance with the provisions of this permit or the requirements of SL 2008-211, SL 2006-246 and/or the provisions of Title 15A NCAC 2H.1000.
- 10. In the event that the permitted stormwater system fails to perform satisfactorily, the Permittee shall take immediate corrective action, including those as may be required by DWQ, such as the construction of additional or replacement stormwater management systems.
- 11. Any person who knowingly makes any false statement, representation, or certification regarding the project shall be subject to a penalty of up to \$25,000 per day, per violation.
- 12. The General Permit, Notice of Intent, Certificate of Coverage, plans and supporting documentation are considered public record and are open for inspection.